

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS MINUTES
APRIL 12, 2011**

Chairperson Watkins called the meeting to order at 7:00 p.m. Present: Wardwell, Glass, Kryza, Jahr, McKenna, Grissett, Miller, Absent-excused DiPietro Staff present: Director Carroll and Secretary Grishaber. McKenna and Associates Representatives: Robert McKenna & Christopher Khorey. There were (21) twenty-one people in the audience.

APPROVAL OF THE AGENDA:

Motion Wardwell, Supported by Glass to approve the agenda as presented.

Motion.

MINUTES:

Motion McKenna, Supported by Glass to approve the Minutes of February 8, 2011 with corrections noted as presented.

Motion Carried.

Commissioner Kryza excused himself for item number #1 being a neighbor of Scott Jones and being a conflict of interest and stated he would be back for Item #2.

Chairperson Watkins stated Commissioner Kryza be excused from voting and any discussion on Public Hearing relating to Parcel Number V125-83-113-99-0019-000.

Motion Jahr, Supported by, McKenna to excuse Kryza on Item #1.

Motion Carried.

Director Carroll informed Chairperson Watkins that Alternate Amos Grissett in the audience is able to fill in for Tom Kryza on Item #1. Alternate Grissett sat on the board at 7:09pm.

ITEM #1: ARTICLE IV, Section 4.14 Accessory Structures and Uses B. Accessory Structures or Buildings-All Districts, 1. Dimensional Regulations d. Lot Coverage.
2. Maximum lot coverage of all detached accessory building on any lot shall be 4,000 sq. ft. Applicant requesting a 4,800 sq. ft. building, which is 800sq. ft. greater than permitted.

ARTICLE IV, Section 4.14 Accessory Structures and Uses, B. Accessory Structures or Buildings-All Districts, a. Appearance.

Accessory structures and building shall be designed and constructed to be compatible with the design and construction of the principal building on the site.

Applicant requesting a building with a design not compatible with the principle building on the property.

Scott Jones whom resides at 11696 Juniper Drive informed the Commissioners he would like Mr. Ward to explain the project since he is the architect and at the end of the presentation Mr. Ward and himself would be happy to answer any questions from the board.

Mr. Lance Warden at 3819 E. Pineview Drive Dexter MI, 48130 is requesting obtaining a variance to build a pole barn to be able to store Mr. Jones Motorhome and miscellaneous items. He stated since Mr. Jones has bought the property he has already done a lot of improvements by tearing down out buildings and a chicken coop. The hardship for Mr. Jones is he has been currently storing the motor home out side at his residence in his driveway exposed to the elements, which has a lot of wear and tear on the vehicle. In addition, they plan on gutting the house and remodeling it.

Larry Haase 4604 Denton Road who has lived in the community for many years feels people should have the right to store and take care of their motor home on their own property. Collectively the township really needs to look at this ordinance and re-evaluate the policy.

Mr. David Wagner resides at 47278 Reene Drive stated the house is dilapidated. He objects to the 4800 sq. ft. pole barn, He has major concerns about the over size of the pole barn compared to size of the home. Also being an eyesore of blighted properties in that area.

Chris Khory from McKenna & Associates stated only the BZA could approve the accessory structure height modification and the 4800sq.ft. would be approved by the Planning Commission. Only the BZA can vary the height. Mr. Khorey read the letter by McKenna & Associates and finds there are other more appropriate places within the Township that could store a motor home without disturbing the characteristic of the neighborhood based on all of the information McKenna & Associates recommend to the BZA to deny the requested variance.

Trustee Jahr would like Director Carroll to look to re-evaluate the Accessory Structure Ordinance.

MOTION McKenna supported by Glass to deny a variance to Article IV, GENERAL PROVISIONS, Section 4.14.B.1.c.1., to construct a detached accessory building in an R1-A District with a building height of 20 feet, 6 feet greater than permitted. 2) Article IV, GENERAL PROVISIONS, Section 4.14.B.1.d.2., to construct a 4,800 square foot detached accessory building in an R-1A District, 800 Square feet greater than permitted. 3) ARTICLE IV, GENERAL PROVISIONS, Section 4.14.B.2.a., to construct a detached accessory building that is not sufficiently designed to be compatible with the design and construction of the principal building on the lot. The applicant has not sufficiently demonstrated that granting the variances is reasonable and necessary or that the variances are necessary to give substantial justice to the applicant and immediate neighbors. Other options for vehicle storage exist within the parameters of the Zoning Ordinance. The size,

height, and appearance of the proposed accessory building could negatively impact the property values of adjacent properties and the character of the neighborhood as the building is larger than typical existing detached accessory buildings in this area and out of character with accessory buildings on neighboring lots. In general the practical difficulty of the applicant appears to be self-imposed and there are no circumstances unique to this single-family lot that would justify granting the variances for the proposed detached accessory building. Based on the above, we recommend the BZA deny the requested variances.

**Yeas: Watkins, Wardwell, Glass, Jahr, McKenna, Miller, Grisset
Nays: None
Excused Kryza
Absent and Excused Dipietro
MOTION CARRIED.**

**Commissioners motioned to adjourn for a five-minute recess.
MOTION CARRIED.**

The meeting re-convened at 8:18pm with Mr. Tom Kryza returning to the BZA Commission Meeting.

ITEM #2: The applicant, who is also the owner of 12871 and 12783 Lake Pointe Pass, has requested relief from a determination of the Township Parcel Division Board that prevented him from creating a flag lot for a parcel upon which two houses have been built. The Township's Subdivision Ordinance allows for people who are aggrieved by a decision by this board to seek relief from the Board of Zoning Appeals.

The applicant Joseph Schuck requests to the BZA Commissioners to divide a parcel at 12781 and 12783 Lake Pointe Pass. The parcel is 32,200sq.ft. in area parcel and two single-family dwellings and (1) one accessory garage. The applicant proposes to split the 32,200sq.ft. Parcel into two new parcels one for each of the existing single-family dwellings. Parcel A to the east would be 12,262sq.ft. It would not be frontage on the street, and would have access to the lake from Lake Pointe Pass only via an easement across the 19,938sq.ft. Proposed "Parcel B" the existing driveway that serves the two houses would run through the easement. The plans should be revised so that the proposed easement contains the entire driveway. "Parcel A" would contain one single family dwelling with existing non-conformities. "Parcel B" would contain one single-family dwelling and one accessory garage, with no existing or proposed non-conformities.

The applicant is seeking practical difficulty due to the fact the unique circumstances of the property. The existing non-conformity of having two single family dwellings on the site constitutes a unique circumstance that can be remedied only by removing one of the two houses or by granting variances from the Zoning Ordinance.

Motion Made by McKenna, supported by Glass to grant a variance to Article III, Land Divisions, Sections 78-226.2 of the Subdivision Ordinance and a variance to

Article III, Definitions of the Zoning Ordinance as requested by the applicant for case VBT-11-002 BZA for Parcel Number V125-83-076-99-0031-000 with the following conditions: 1) the applicant obtain and provide to the Township a new survey containing the following changes-the boundary line splitting Parcel A and Parcel B be moved to the west to such an extent as to make Parcel A compliant with 125ft. depth as measured by the provisions of the Zoning Ordinance; the non-exclusive easement on the survey completed on February 25, 2011 be amended to provide a minimum of eighteen feet from the southern property line running from Lake Pointe Pass to the eastern boundary of Parcel b; the applicant provide a separate shared driveway agreement and maintenance agreement drafted in a form acceptable to the Township; and 2) both Parcel A and Parcel B have the easement properly described in their resultant descriptions so that it will be clear to anyone researching the titles that Parcel A unobstructed and irrevocable access use of the easement to Lake Pointe Pass.

I hereby certify that the foregoing is true and correct copy of a motion adopted by the Board of Zoning Appeals of Charter Township of Van Buren at a regular meeting held April 12, 2011.

**Yeas: Watkins, Wardwell, Glass, Kryza, Jahr, McKenna, Miller
Absent/Excused: Dipietro**

Director Carroll suggested to the BZA Commissioners that McKenna and Associates offer a training class that covers BZA and variance issues and since we have new member's wonders if anyone would be, interested the class would cost a \$1000.00 thousand dollar. Everyone on the board agreed it would be a great idea.

**MOTION MILLER SUPPORTED by GLASS to adjourn the meeting at 9:16 p.m.
MOTION CARRIED.**

Respectfully submitted,

Tina Grishaber
Recording Secretary